

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALICE KRAMER, as Personal Representative  
of the Estate of Arthur Kramer,

Plaintiff,

—against—

LOCKWOOD PENSION SERVICES, INC.,  
ET AL.,

Defendants.

Case No.: 08 CV 2429-DAB-MHD

AFFIDAVIT OF KATHERINE L. VILLANUEVA

STATE OF PENNSYLVANIA     )  
  )     SS:  
COUNTY OF PHILADELPHIA    )

Katherine L. Villanueva, being duly sworn, affirms the following under penalties of perjury:

1. I am a member of the Bar of the State of New York, am admitted to practice in the Southern District of New York, and am an associate of the law firm of Drinker Biddle & Reath LLP, attorneys for Defendant, Lincoln Life & Annuity Company of New York, in the above-entitled action. I am familiar with all the facts and circumstances herein. I make this affidavit in support of the Memorandum of Law of Lincoln Life & Annuity Company of New York in Support of Its Motion to Dismiss.

2. Attached as Exhibit A to the Memorandum of Law of Lincoln Life & Annuity Company of New York in Support of Its Motion to Dismiss is a true and correct copy of *Lewis v. Wal-Mart Stores, Inc.*, 2005 U.S. Dist. Lexis 34470 (N.D. Okla. Dec. 1, 2005).

Dated: March 27, 2008

  
Katherine L. Villanueva

Sworn to before me this  
27<sup>th</sup> day of March 2008

  
Notary Public

NOTARIAL SEAL  
Renay L. Wanser, Notary Public  
City of Philadelphia, Philadelphia County  
My commission expires July 06, 2010